

# *The Evil Eye plucked out:*

## OR A DISCOURSE PROVING

That *Church-Revenues* can-  
not be *Alienated* by any *Secular*  
*Persons* or *Powers*, without a  
*manifest Violation* of the known  
*Fundamental Laws* of this *King-  
dom*, and of *Publick Justice*, and  
*Common-honesty*.

M A T. XX. 15.

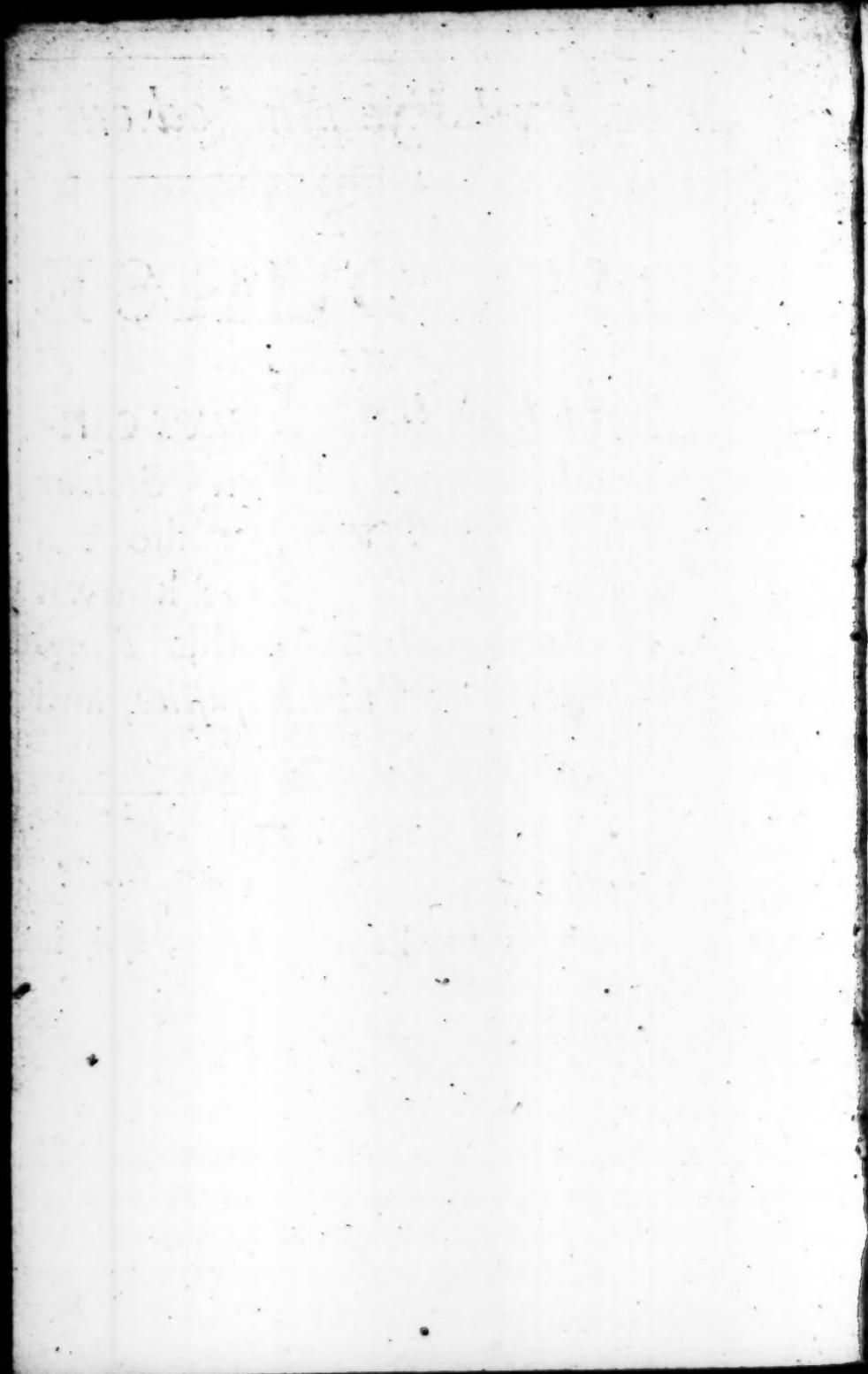
*Is thine Eye Evil, because I am Good?*

Frustra legis auxilium invocat, qui in  
legem committit.

• *Si Judicas, cognosce.*

L O N D O N:

Printed for *Rob. Clavel*, and are to be sold  
by *H. Brome* at the Gun near the  
west-end of *St. Pauls*. 1679.



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THE INVASION OF CHURCH-REVENUES.

*The Invasion, or Alienation, of Church-Revenues by any Secular Person or Power, not only Sacrilege, but contrary to the Fundamental Laws of the Land, and to the Principles of Justice and Common-honesty.*

**S**ome there are that have attempted to persuade the World, that the Devil is not so black as he is

**A 3** painted;

painted ; and that the name of *Sacrilege*, or its appropriation unto the invasion of *Church-Lands*, is but a trick and device, a meer *bugbear* to affright conscientious and fearful men from their laying hands on those sweet possessions of others. To make this the more specious, and withal, to unravel the force of all the Arguments that have been laid before the World to discover the iniquity of it, they have at length found this new artifice, to heap together the various senses of this word *Sacrilege*, some Proper, some Metaphorical ; to shew that it had been used in relation to Persons, Words, Places, and Things :

Things: and thence they infer, That if such or such a thing be Sacrilege, then this is not. After which way of discoursing, I believe any wickedness in the World might be freed from the imputation of guilt or enormity. I may as well argue, that because *Idolatry* is called *Adultery*, and *Incest Fornication*, that there is no other *Adultery* or *Fornication*; that because *Murder* is used in many senses besides, therefore wilfully to kill a Man is no *Murder*: And so in every transgression that can but have a *Metaphorical sense*, or be referred to more objects than one. It might indeed have concluded thus, There are other sorts of

Sacrilege, therefore this is not the only Sacrilege.

But now, because men are ready to reject, or at least not to have any great regard unto such things, where variety of Opinions taketh off the edge of *Arguments*, and will never allow themselves convinced, if there remain any Loophole through which they can peep; I shall endeavour to make good this *Proposition*:

That Church-Lands and Revenues cannot be alienated from the Clergy, nor invaded by any Secular Persons or Powers, without a wilful and determinate violation and breach of the Fundamental Laws of the Land,

Land, and of the Principles  
of Justice and Common-ho-  
nesty.

And truly, if this be made  
good, we shall not so much  
need to dispute the significati-  
on of *Sacrilege*: For in a  
*Christian State and Kingdom*,  
none will believe *That an un-*  
*godly invasion of the Rights of*  
*others, can be countenanced or in-*  
*dured*; especially where the  
Law speaks no less than Death  
to little *Robbers on High-wayes*,  
to *Pirates on Seas*, and makes  
*Thirteen pence half penny by vi-*  
*olence or wrong taken, inexpi-*  
*able*, unless it be by the *bloud*  
*of the Criminal*. Nay, any thing  
taken above the value of *twelve*  
*pence*

Stamford  
Sal. 14. b.

pence, without the consent of the owner, is felony by the Law, Stat. West. 1. cap 15. *Furtum est contrectatio rei alienæ pluris quam duodecim denariorum valentis, animo furandi, invito illo cuius res illa fuerit* Theft is the seizing of the Goods of another above the value of one shilling, with an intent of stealing, and without the consent of him to whom it belongeth. Nor do I know any other way to specificate Theft, than the Property of the Possessor before it be taken, and the ignorance or unwillingness of the Possessor to part with it. And therefore the Law determines, that the stealing of Wilde Beasts, or Fishes out of a River, which have liberty to

to change their places from one persons Royalty to another, shall be neither Felony nor Larceny, because they are *nullius in bonis*; and so for *TREASOUR* Stamford *TRUVE*, for Treasure found, if it be taken, not Felony, *Quia Dominus rerum non appareret*. But to take even these very things is yet unlawful, because (to whomsoever they belong, yet) they belong not to him that taketh them, having no right to them. How then and with what pretence can any greater and more valuable rights be alienated from Possessors without their consent? Justice it is, *suum cuique reddere*, to render every man that which is his; and it is common honesty, to be content with

with our own: so that, that which justifieth a Possession is *Property* or *Right*, and that which gives boundaries and security to *Property* and *Right*, are the *Laws*. Not that there was any other *Original* of *Property*, but the *Law of Nature*; and so, even that *Eighth Commandement* insinuates, for if there had not been property, to take from another could not be to steal; so that as thou shalt kill, doth defend the life of a man which he hath most right to; *Thou shalt not commit Adultery*, doth intimate the propriety that every man had in his own Wife; so, *Thou shalt not steal*, doth intimate the propriety that every man had in his own Goods and

and Possessions: And thence ariseth that *Maxime of the Civil Law*, *Jure naturæ æquum est, neminem cum alterias detrimento fieri locupletiorem*. Hence it is also that Religion ever so vigorously asserted, and all humane Laws ever defended Property. As early as *Abel* and *Cain*, we see a Property of Goods in the *Flocks* of one, and <sup>Gen. 4:</sup> the *Husbandry* of the other; from which each man brought his *Offering*, which truly would have been but a *dull present*, if it had been out of the *stock* of a *Community*, where the right of all might have made the gift of any one of a small account; and he that was most Religious, would have but commended

Pomponius, Lib. 9.

ded his service to God, by that  
<sup>1 Reg. 24.</sup> <sub>24.</sub> which cost him little or nothing. Much less would the fatness of the Sacrifice been noted by God himself: *Obtulit Hebel de primogenitis gregis sui, & de adipice eorum.* Which first fruits or firstlings, doth signifie the prime or principal, expounded by the fat in that verse; and by the Apostle accordingly, *Heb. 11. 4.* *πατέρα δυοῖς, præstantius & majoris pretii sacrificium;* a better and more valuable Sacrifice. And therefore on the consideration of the Pe-  
 An. 1640. tition of Right, Anno 1640. the Convocation, holden at Lon-  
 don, agreed this, amongst other Articles, Though Tribute, Customs, Aid, and Subsidies, and all other manner

manner of necessary support and supply be respectively due to Kings from their Subjects, by the Law of God, Nature, and Nations, for the publick defence, care, and protection of them ; yet nevertheless Subjects have not only a Possession of, but a true and just Right, and Title, and Propriety to , and in all their Goods and Estates, and ought for to have. And these two are so far from crossing one another, that they mutually go together, for the honourable and comfortable support of both : For as it is the duty of Subjects to supply their King, so it is the part of the Kingly Office to support his Subjects in the propriety and freedom of their Estates. And truly all Magistrates are to guard this ; there-

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therefore it was the less wonder that that brave *Roman* Emperor should make his whole Army stand still to do right to a poor Widow. But to this chiefly are the *Kings* of this *Island* so much obliged, that it is the *principle Article* of the *Coronation Oath*, which the King sweareth to maintain.

Arch-  
Bishop.

*Sir, Will you grant, keep, and by your Oath confirm to your people of England, the Laws and Customs, to them granted by the Kings of England, your lawful and Religious Predecessors; and namely, the Laws, Customs, and Franchises, granted to the Clergy by the glorious King St. Edward your Predecessor, according to the Laws*

Lawes of God, the true Profession  
of the Gospel established in this  
Kingdom, agreeable to the Preroga-  
tive of the Kings thereof, and  
the antient Customs of this Land ?

I grant and promise to keep King.  
them. To which he afterward  
sweareth.

*Ex Libro  
Regali.*

Now the Rights and Fran-  
chises granted by St Edward first,  
are contained chiefly in the  
*Magna Charta*, and in the *Charta*  
*de Foresta*, made 9 Hen. 3. of 9 Hen. 3.  
which this is the History.

This poor Island torn to pieces  
by innumerable Factions, for  
the support of the particular  
dominions of the *Heptarchy*,  
was at last gotten into the  
B hands

*An. Christi* hands of *Canutus the Dane*, yet  
1018. so as by *Conquest*, where all un-  
der his subjection were at his  
mercy; for, wherever a King-  
dom is overrun and grasped by  
*Conquest*, the *Kings will* is the  
only *Law*. *Quod principi placuerit  
legis habet vigorem*. The

1043. *Kingdom* in this condition de-  
scended to *St. Edward*, called,  
for his excellent Holiness, *the  
Confessor*; who considering the  
uncertain estate of a Governor,  
who hath nothing but the point  
of his *Sword* to guard him;  
considering that the surest for-  
tress was the *love* of the people,  
and withal, that nothing could  
gain so much upon their affe-  
ctions as *Liberty* and *Emanci-  
pation*; he took this course to  
careſs

cares them; to *infranchise* them, and *remit* the standing Revenue that had been formerly paid to the *Crown*, in acknowledgment of their *Vassalage*, called *Daneguilt*; being 40000 pounds per annum. And that their *Persons*, or *Estates*, might not be subject to the *Will* of any violent person, but be protected by a *Law*, he digested a body of *Laws* out of the *Customs* and *Ordinances* of four Countries, which was the beginning of our *Common Laws*. But when William Duke of Normandy came on this Kingdom, and made a new Conquest, his Sword cut all former *Charters* asunder. Those that were then his *Vassals*, must submit to

An. 1044.

An. 1066.

his pleasure both for Lives and Estates. He that had gotten a great Kingdom with great dangers and difficulties, used the English with little Mercy. The whole Nation was in such a condition, that they knew not what to call their own. He deposed the greatest part of the English Nobility, and distributed their Earldoms, Baronies, Bishopricks, and Dignities to his Normans: On the Commons he laid what Restraints, Burdens, and Bridles he pleased. For thirty Miles together in Hampshire, without Mercy or Conscience, he depopulated and laid wast a great number of TOWNS, VILLAGES, and

and CHURCHES, without any satisfaction to the Inhabitants, to make a Chace for Wilde Beasts, which is now called the New Forest. He charged, at his pleasure, what Souldiers he pleased on the Bishops, Earls, Barons, Sherriffs, &c. He caused the whole Kingdom to be Surveyed in a book, to understand what Land every Baron did possess, how many Knights-fees, how many Plough-Lands, how many Villains, how many Beasts or Cattle every man possessed within this Kingdom, such strange doings continued all the time of Will. Rufus.

Hen. 1. his Son, well weighing the sad inconveniences of this Tyranny, took other courses; *He restored the state of the Clergy; he asswaged the grievous payments; restored again St. Edward's Laws; and at length, gave once more a manumission and compleat emancipation to the Kingdom, and made us a free people: afterwards confirmed and ratified by the Magna Charta, and Charta de Foresta, in the 9 year of the Reign of Hen. 3.* Which particularly, and in the first place, doth enfranchise the Church: *We have granted to God, and by this our present Charter have confirmed for us, and for our Heirs for evermore, that the Church of England shall be*

<sup>9 Hen. 3.</sup>

<sup>6. 1.</sup>

Shows  
Chanc.

be free, and shall have all her holy Rights and Liberties inviolable. And truly, before the Promulgation of that Charter, all the Kingdom were Slaves, and at the will of the Sword, both for their Estates and Lives. Nay, even after this Charter, many great Prerogatives were claimed and held by the succeeding Kings: As the bestowing of the youngest Daughter of any deceased Baron in Marriage, as he pleased, with all her Fathers inheritance; although the Eldest were Married in their Fathers life time, and with his liking. *Si aliquis Baro dicti Domini Regis, tenens de Rege, obiisset, & non haberet bæredem nisi filias, & primogenitæ filiæ maritatae*

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ritate sunt in vita patris; Dominus Rex daret postnatam filiam quæ remanet in hereditate patris alicui militum suorum, cum tota hereditate patris sui, de qua obiisset seisisus; ita quod aliæ filiæ nihil reciperent adversus postnatam filiam in vita sua. Et omnes Reges habuerunt hanc dignitatem a conquestu. And some Prerogatives continue to the Crown at this day of a like nature, notwithstanding the Property of the Subject by the great Charter: As, in defaillance of Heirs, the King inherits, so that the last Possessor, cannot dispose or alienate it by Will. In Treasure Trover, in whose Land soever found, it goes not to the Proprietor of the soil.

In

*In the case of Mines discovered  
of perfect Metals, they go to the  
King in whose Land soever they  
are found.*

Now although this great Charter was so early granted, yet some succeeding Kings invading the Property of the Subjects, and Ruling according to their own Lusts, was the occasion of those fearful Civil Cammotions, called the Barons Wars: Particularly the insolent and intolerable Violence and Tyranny of King John; For there were many Noble mens Wives, and Daughters, whom he oppressed and defiled; othersome with great Exactions he brought into great Poverty; the Friends and

shows  
Chron. in  
the Reign  
of K. John.

and Parents of some he banished and turned their Inheritances to his own use, Anno

An. 1213. 1213. He disinherited some Noble men without judgment of their Peers : He Robbed Baynards Castle in London : Poisoned Maude the Fair, because she would not consent to his Lust : After he had spoiled Religious Persons (when the foulness of those Practices were like to undo him) he constrained them to give him writings, wherein they acknowledged that they had willingly given him all that he had with Violence taken from them.

This was the cause that the Barons so determinately demanded

demanded the confirmation of the *Magna Charta*, and *Char-  
ta de Foresta*, of that *Hen. 3.  
bis Son and Successor*, with-  
out which they looked on the whole Land to be per-  
fectly enslaved. This he grant-  
ed; and it was with all pos-  
sible *Faith* and *Assurance* pub-  
liquely ratified. And this is the *Fundamental Law of this  
Land*, concerning the *Right* and *Property* of every Sub-  
ject, both *Lay* and *Clergy*: And if this be broken, there is no security of any Mans Possessions. Nay, even those that hold by *Escuage*, *Serjeanty*, or by any other services, if they perform those services as they are due, no Power without

without illegal and unconcionable Violence and Oppression, can Invade or Disseise them, without their consent; this being a common Principle and *Maxime* in all *Laws*, *Quod nostrum est, sine facto nostro transferri non potest*: That which is mine, without my deed cannot be transferred to another.

Thus far it is visible and clear, that by apparent *Right*, and by the *Fundamental Laws* of the *Land*, that the *Clergy* stand on the same *Basis* and ground, in their Estates, and Possessions, with the *Laity*. And least it should be doubted, what Liberties are intended

tended to be granted to them, the Laws have (in many things) explained them. As, the right of *Advowsons* and *Presentations*, that belong to the Church to be kept inviolable,

25 Edw. 3. 3. 7. The right of <sup>25 Edw. 3.</sup> their *Forests*, and *Chaces*, and <sup>3. 7.</sup>

*Parks* to the *Archbishops* and *Bishops*. *Charta de Foresta*, cap. <sup>Charta de</sup>

4. The Liberties of all their <sup>Forest, c. 4.</sup> <sup>9 Hen. 3.</sup> <sup>Mag. Chart.</sup> <sup>c. 37.</sup> other Rights and Possessions:

*Magna Charta*, cap. 37. All that even before the Conquests of *Danes* or *Normans* had belonged unto them, such as an exemption from *Murage*,

*Pontage*; *Cook Institut.* vol. 2. <sup>Cook. Inst.</sup> <sup>vol. 2. fol.</sup>

fol. 1, 2. An exemption from <sup>1, 2.</sup> *Secular Offices*. *Si home qui* <sup>Fitz-Herb.</sup> <sup>Nat. Brev.</sup> *tient certeine terres ou tenements* <sup>fol. 175.</sup>

par

par reason de ses terres de ver estre  
elect Baillie, ou Reve, ou en  
auter tiel office pour ses terres,  
ore si tiel home soit fait Clerke,  
ou deins sacres Orders, donc il  
ne devan estre elect pour ses ter-  
res en tiel office. And if he be  
returned in such an Office,  
by the Kings Writ he shall  
be discharged; the words of  
which Writ are these, *Cum*  
*secundum leges & consuetudines*  
*Regni nostri Angliae infra sa-*  
*cros ordines constituti ad offici-*  
*um Ballivi, &c. eligi non de-*  
*bent. And again, Acceperi-*  
*mus quod magistrum C. Offi-*  
*cium Ballivi, &c. manerii de.*  
*L. assumere compellere nitimini*  
*in ipsius grave damnum, & con-*  
*tra legem & consuetudines supra-*  
*dictas.*

dictas. Precipimus quod distri-  
ctioni & compulsioni, &c. om-  
nino supersedeatis, &c. An ex-  
emption from distresses on Glebes  
of Ecclesiastical Livings: A  
Writ being issuable, Quod di- <sup>Id. fol.</sup>  
stresse ne soit pris en le Glebes <sup>174.</sup>  
de Parsons, ne Vicars, ne auer  
Minister found sur le Statute,  
de Articulis cleri: cap. 6. the  
words of which Writ are these,  
Rex Vicicomiti salutem, &c. Cum, <sup>Edw. 2.</sup>  
nuper ingressus fuisti in terris  
& tenementis Rectoriae de C.  
& Dominum. S. graviter di-  
strinxisti, & indies distringere  
non desistis in ipsius prejudicium  
& libertatis Ecclesiasticae mani-  
festam lesionem, & contra for-  
mam Articulorum de Clero, &c.  
Nos libertates Ecclesiasticas illæ-  
sas

*sas observari volentes, precipimus, &c. An exemption of the Clergy from paying Subsidies among the Laity, or by their taxing: In which case a Writ also lyeth, Rex taxatoribus X. & XV. per communitatem Regni nostri Angliae, nobis ultimo concessarum, &c. Vobis mandamus quod S. Prebenda de B. in propriis bonis suis quæ inter Spiritualia ad decimam taxantur & de quibus dat nobis decimam: ratione X. & XV. nobis per Laicos concessaram non molestetis sive in aliquo gravetis, &c. To exempt them from*

\* Nor did our Law allow more in this than the Pagan Prince Artaxerxes allowed to the Jewish Priests and Levites, *Ezr. 7. 24.* who commanded that they should not impose Tolls and Customs on them.

\* Passage, Castle-guard, Murage, Pottage, &c. A Writ also lyeth, That

no Prohibition shall lie against the Proceedings of Ecclesiastical Courts in case of Tythes, Mortuaries, Oblations, or Commutation of Penance on the instance of an Offender: Art. Cleri. 9 Edw. 6. 2. 1 2. 3. That the Kings Prohibition shall not lie in Excommungement, unless where the Kings Liberty is prejudiced: Art. Cleri. cap. 12. And several <sup>9 Edw. 12.</sup> other the like Liberties and Immunities.

Nor do the too frequent and impudent Rapines of violent and tyrannical Powers, make the depilation of the Church, or the plundering of the Clergy become ever the less <sup>A factio ad  
jus, non va-  
let conse-  
quensia.</sup> Illegal or wicked, any more than frequent Rapes and Adulteries,

Matthew  
Paris.

Will. Mal-  
mesbury.

Stow's  
Chron.

or numerous *Piracies* and *Robberies* can change the nature of those *facts*, and make them ever the less *Villanies*. So that when on one side, we shall read in our *Chronicles*, the *Symony* of *William Rufus*; or on the other side, his *encouragement* of the *Jews* to fight against the *Christians*, promising that if they overcame, he would become a *Jew*. We judge his *Justice* and *Religion* to be much of a sort, in one and the other. For *King John* to *spoil* and *plunder* the *Clergy*; or to *disseise* his *Barons*, to *condemn* them without *judgment* of their *Peers*, and convert their *Estates* to his own *use*, are *practices* a like *justifiable* by the *Fundamental Laws* of this *Land*.

And

And who would not have taken it to have been a compleat character, that that insatiable gulph of Lust and Avarice, *Hen. 8.* gave of himself, that he never spared Man in his Rage, nor Woman in his Lust; if he had added but this one thing more, that he never pitied the helpless in his greediness? But those practices against his own Servants, and these against Gods Church, have a like countenance by the Fundamental Laws of this Kingdom, and more became a Robber than a Prince; for *Subditos spoliare & opprimere, non regnum est sed latrocinium*: To spoil and oppress Subjects, was more like a Robber than a King. Nay, it is not to be questioned,

that this design of his, for the  
spoil of the Church, had went on,  
whether the Parliament had en-  
acted it or no; for in the year  
Hen.8. 24. of our Lord 1532. & Anno

Regni 24. He suppressed the Col-  
legiate body of the Holy Trinity  
in London, and gave their Plate  
and Lands to his new Favourite  
and Keeper Sir Thomas Aud-  
ley; and did not tarry for the  
Act of Parliament, which came  
not forth till the year of our

27 H.8. Lord 1535. & Anno Regni 27.  
Nor durst the Parliament do  
less than humour him, for fear  
of their beads; he had so awed  
them, in not sparing the bloud  
of their Predecessors. And those  
who had the greatest integrity  
and courage, he quickly cut  
off

off out of the way of his *de-signs*. But do you judge now, would it not have been thought a blessed and a just act of himself and the Commons, had they thus cut off the *Revenues* of the Barons ? or if himself and the Lords had thus devested the Commons of their Estates ? or if himself and the Clergy in their Convocation had thus enacted the disseizing of the Laity ? But good God ! What will not a powerful Leacher do, when Revenge and Gain spur him on one side , and he is sure to meet with nothing but helpless tears and words to oppose him ? It is certain, there hath not been in the whole World so great a dishonour ,

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and so vile a scandal to the Protestant Religion, as the impious practices of this dissolute Prince. And yet after all this, that he might gather together the fragments of this shipwrack't honour, which he had so rashly prostituted in the sight of all Christendome, he began at length to stick some little Feathers of the Geese that he had plucked, and made some small shew of Love to the Church whom he had Ravished, by raising, towards his latter end, here and there a little Bishoprick, which by their *indowments* may be discerned to have proceeded from a very moderate zeal, and by the slenderness of their Revenues, in respect of the rest

rest of the Kingdom; as the  
Bishoprick of Oxon. valued in <sup>31. 32. 33.</sup>  
the Kings books at 354 l. 16 s.  
<sup>Hen. 8.</sup>

4 d. ob. founded Hen. 8. 33.

Peterborough valued per an-  
num in the Kings books 414 l.

19 s. 11 d. founded Hen. 8. 31.

Glocester valued per annum  
315 l. 17 s. 8 d. Hen. 8. 31.

The Bishoprick of Bristol va-  
lued per annum 338 l. 8 s. 4 d.

Hen. 8. 31. c. 9. And although  
he fingered the Revenue of the  
Bishoprick of Norwich, yet  
he substituted other Lands,  
and, to excuse the exchange,  
alledged that they were of  
more value than those he took,  
as is expressed in the Statute,

Hen. 8. 32. 47. This was a <sup>32. Hen. 8.</sup>  
poor pittance in proportion to <sup>47.</sup>

that he took, and yet was engaged by his *Promise* and *Princely Word*, to advance the *glory of God*; without which, the *Commons* (notwithstanding that dastardly fear they were possessed with) would never have past that *Act for the Dissolution*,<sup>27</sup> *Hen. 8.* So that we have a here fair example, how much such persons design the *glory of God*, or any *countenance to Religion*.

Nor doth that argument, which some have brought from any *emergent Necessity* of Affairs for any *robbery* or *depilation of the Church*, signify any more to justifie such a proceeding, than the former, brought from a number of *impious*

impious facts. For first, Evil is not to be done that Good may come of it; and such it must be confessed to be, to take away mens Properties, and to spoil the Innocent. Nor is every thing that is called *a necessity*, such indeed; or if it were, *Quæ propter necessitatem recepta sunt, non debent in argumentum trahi.* Justin. Institut. iii. digest. 162. Nor is it equal for any sort of men to spoil and disseise another sort on the pretence of *pure necessity*, when it is indeed to the security and ease of themselves; for this were *to make those that are Parties Judges*, which no Law ever allowed, nor themselves would be content to suffer: Or supposing that *necessity* should supersede all right; supposing,

Caiphas Maxime, Joh. 11. 50. sing, it should be lawful, to kill  
 one Man to save a Nation, or to  
 undo one sort of men, to save  
 the rest; and withal, that such  
 a necessity should fall on this  
 Kingdom, I would fain know by  
 what Law of God or Man, the  
 Clergy only should be the *devo-*  
*ted people*, and that *their main-*  
*tenance* should be sacrificed  
 more than the Estates of others?  
 Josephs example in Egypt will  
 hardly allow this, who for the  
 preservation of the Lives of the  
 Egyptians, when he took the  
 Estates of other men to the  
 Kings advantage, Meddled not  
 with the Lands of the Priests, but  
 left their Revenue as free as Pha-  
 raohs, much less did he sell it to  
 maintain or ease others. If ne-  
 cessity

Gen. 47.  
 26.

cessity must fall, let it fall on all men alike; *Where all lift together the greatest load will become portable.* And truly, *In pari necessitate* <sup>Maxime of the Common Law.</sup> *potior est conditio possidentis:* *In like necessity the condition of the possessor is most advantageous.*

The Law tells us, that the <sup>Bratton</sup> <sub>Lib. 2. fol. 12.</sub> Church is in the condition of a minor: *Ecclesia fungitur vice minoris.* And it is a strange piece of degenerous inhumanity to spoil a minor. *Pupillus pati posse non intelligitur.* That Pupils should be <sup>Justin. Instut. tit. digest. 110.</sup> exposed no Government ever allowed or indured. <sup>S. 2.</sup> 'Tis true, there are some causes for which Clergy-men, as well as others, may be disseised, as in case of Treason, and the like. But no man must be disseised before he is <sup>Mag. Char. cap. 29.</sup> convict:

Nor

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Nor, when he is *convict*, can he loose more then he had, which in *Ecclesiastical preferments* is only for the life of the *Clerk*; after his death, they do *cedere successori*, go to the successor. And in

14 Edw. 3.  
pro Clero,  
cap. 4, 5.

the vacancy no *wast* is suffered by the *Law*, in *Manors*, *Parks*, *Ponds*, or *Warrens*, &c. no *fines* are to be levied of *Tenants*, nor any under *woods* to be felled, nor any other thing done which may tend to the *disherison* of the *Church*: 14 Edw. 3. c. 4. & 5. pro *clero*. Nor will any consent of the *possessors*, if they should be so *perfidious*, make an *alienation* ever the more *legal*; for though they are *usufructuaries*, their *interests* extend but to their own *times*. *Nemo plus juris ad alium transferre potest*

ulpiian. lib.

46.

test quam ipse haberet: No man can transfer to others a greater right than himself had. And if such Estates should ever discontinue from that use and end, whereunto (by the grants and wills of the Donors) they were originally designed, they ought both in *Equity* and *Law*, to return to them again, or to their *Heirs*. This is certain, that it is the most reasonable thing in the World, that every man should do what he thinks fit with his own; and this is as certain, that to pervert or frustrate the Will of the dead, is most inhumane. *Testamentum authenticum nullus abrogat aut aliquid ei superaddit*, Gal. 3. 15. A *Testament* though it be but a mans, yet no man disanulleth, or

ad detb

addeth thereto. And truly, if the designs of those *Donors* should ever be frustrated, why should the Estates go any other way than to their *Posterity*? For this is most sure, That if they could have but suspected, that these Estates should ever be taken from those *bodies* to whom they granted them, they would never have granted them from their own *families*. And therefore that *Oracle of the Law*, my *Lord Cook*, plainly affirms, That if *Lands* be given to a *body Politique*, such as a *Mayor and Communit*y, or to a *Dean and Chapter*; if the *body Politique* be dissolved, the *Donor*, or *Grantor*, and his *Heirs* shall reenter. And this *Law* is so far from being *New*, or

cook on  
Littleton,  
Lib. 1.  
fol. 13.

or the judgment of a private person, that it was urged by Edw. 3. in the like case, against the Pope, in a Letter written to him. For whereas the Pope, to make the dependence of all Clergy-men more absolutely on himself, had usurped a Power of disposing of Bishopricks, and other Ecclesiastical Dignities, without Elections of the Chapters: The King in the behalf of the Crown, lets him know, That forasmuch as at the request of divers Popes, his Progenitors had gratiouly given the Authority of Elections unto the particular Chapters, that if he would not suffer them to use that freedom and Authority that was so given them, that right devolved again on the first Grantor, which

This Letter is to be seen in Thos. Walsingham.

was

was the King. The equity of this Law was so obvious, that the Pope a long time after never interposed. For it is sure, that no distance of time can defeat succeeding Heirs of their right. *Qui per Successionem, quamvis longissimam, defuncto hæredes constiterunt, non minus hæredes intelliguntur, quam qui hæredes principaliter existunt.* This therefore is an implied and tacite Condition of all Grantors (but withal a most equitable Condition) that where they cannot have their Ends, which are so honourable

\* *Viventis enim non est heres.* *A Maxime of the Common Law. Cooks Instit.* and pious, their Grants should return unto themselves, or (which is \* equivalent) to their Heirs; which no Succession can spoil him off.

But

But methinks there is *one* thing more that puts the *Right* and *Interest* of the *Church*, in their *Lands* and *revennu*es, out of all dispute in the *World*; and makes them appear by *Law* to be stedfast and *unalienable* for ever; and that is the *Terms* that the *Laws* bestow on *Lands* that are *dedicated* to *Religious uses*; viz. *that they are in Mortmain*, which is thus defined.

*Mortmaine est lou terres dones a Deane & Chapiter, ou a un auter Company que sont corporate per le grant du Roy, donc que cest terre est devenu en mortmaine.* *Mortmain* is where *Lands* are given to a

Dean and Chapter, or to any Corporation which are incorporate by the Kings grant, then this Land is come into Mortmain ; that is to say, into a dead hand. So that what is confirmed by Law so given ; to take it again, is just so much honesty, as it is, to rob the dead. Now although the Statutes of Mortmain do determine that all things for the future given in Mortmain without such a legall License and allowance as they appoint, shall be void, and return to the Lords of the Fee, and for their neglect to the King ; yet doth this (beyond all question) ratify all such

Magna  
Charta  
cap. 36.

7 Ed. I.

W.2.c.31.

13 Ed. I.

34.

Ed. I. 15.

Ric 2.c.5.

23 Hen.8.

c.10.

such *Estate* given before those *Statutes*, or at any time since those *Statutes* given with such *License*; for the obtaining of which *License* this is the *process*, that a *Writ* be issued out of the *Chancery*, *ad quod damnum*, that is; whether such a *Donation* be any way *detrimental* to the *King* or *others*; and if the *Inquest* returneth that there is no *wrong* to the *King* nor *others*; the *King* grants his *License*, which then makes them firm and unalterable (where, by the way, we may take notice how strictly our *Laws* protect mens *properties* ; that no man shall be wronged,

D 2      although

although it be for the sake of God; much less, that God and his *Servants* shall have their *properties alienated* to others (without their consent) the words of the *Writ* are these. *Rex dilecto*

Fitz-Her-  
bert Nat.  
Brevium  
Briefe ad  
quod  
damnum.

*sibi J. de R. Escheatori suo in co-  
mitatu L. salutem, Præcipimus ti-  
bi quod per Sacramentum probo-  
rum & legalium hominum, de bali-  
vatua, per quos rei veritatem me-  
lius sciri poterit, diligenter inqui-  
ras, si sit ad quod damnum, vel pre-  
judicium, nostrum, vel aliorum, si  
concedamus B. quod ipse unum me-  
suagium, centum aeras terræ, Deca-  
no & capitulo de M. & eorum suc-  
cessoribus, dare possit, & assignare.*

What

What then can be more clear than this, that if *Lands* given in *Mortmain* without the *Kings License*, since those *Statutes*, shall be *forfeite*; then those *Lands* given *before* those *Statutes*; or since those *Statutes* with such *License*, are *confirmed*; this being a most confessed *axiom* amongst all, *Exceptionem confirmare regulam*. *That an exception confirmes the rule.* To be plain, the *interest* of the *Church* is so stedfastly founded by the *Laws of England*, that those that have been any time the *Authors* of *Sacrilegious designes* against the *Church*, have thought it their most suc-

Cooke In-  
stitut. lib. 1.  
cap. 1. Sect.  
3.

cessfull method, to bring some slurres and contempt, on those that are the dispensers of publique Justice, and whose continuall studies and busines the *Laws* are ; and therefore (before, as there shall be occasion) they will speak meanly and unworthily of them, that they may be thought to be persons of little use, or ill ends. Nay, sometimes have the professors of the *Laws*, (when there have been aimes at the spoil of the *Church*) been prohibited the *Parliament* (that they might do things without consideration of right or wrong, of what is legal or illegal) and by

by express order, been rendred  
uncapable of being elected. As  
in 6 Hen. 4. The Parliament at <sup>Stow  
Chron.</sup> Coventry was held without Law-  
yers, being by the Writ forbidden to  
be chosen; the words of the Writ  
are these. — *Nolumus quod tu,*  
*siue aliquis alias Vicecomes Regni*  
*nostri praedicti, aut Apprenticius,*  
*aut alias homo ad legem aliquali-*  
*tur sit electus.* We will that nei-  
ther your self nor any other She-  
riffe, or under-Sheriffe, (for so  
I conceive the word *Apprenticius*  
signifies there) nor any other per-  
son any way relating to the Law, be  
chosen. On occasions of which,  
our Historians call this Parlia-

ment, *Parliamentum Laicorum.*  
*A Parliament of meer Laicks;*  
For although this exceeding  
learned and excellent Function  
(which requires vast study and  
experience to perfect it) be not  
sacred, yet in the sense of our  
*Laws* they are Clerks too, that  
are exceedingly well read and  
*Learned* as *Clergy-men* are, or  
should be. From which use  
of the name *Clerk* (by I know  
not what cause) there are no  
Pen and Ink-horne men now re-  
lating to the *Law*, termed *Clerks*  
but those that use Pen and Ink,  
in Courts, as *Clerks of Parliament*  
*Roles*, *Clerks of Chancery*, &c.

But

But blessed be God that the *Laws* of this *Kingdome* are not so little *cultivated* or *understood* especially by *Gentlemen* of any *note* or account in this latter age, but that the interests of the *Church* and religion are sufficiently conceived, and that by the *constitution* of this *state*, the *Lands*, both of the *Clergy*, and themselves are so founded, that one cannot be *attacqued*, or *invaded*, without a manifest *wrong*, to the very *settlements*, and *freedoms* of the other. And therefore little doubt that so many hundreds or thousands should ever combine, to do any acts of *wrong* and

and *unrighteousness* to them, and therein (besides the *violation* of their *trust* and *consciences*) weaken and *enfeeble* themselves and their *posterities* for ever.

Nor have these *Church-preferments* been entailed to the *offspring* of the *Peasantry*, and *common* people, which (for the most part) have not ability to give *Education* unto their *Children*, to *qualify* them for such *Offices*; but have generally been the *reward* and *support* of some *branches* of the most *ancient*, and frequently of the most *Honourable families* of the whole *Kingdom*; insomuch as those that have

have been born to sit with *Princes*, have not disdained (by a *sedulous* and *studious life*) to fit themselves for those *dignities*. Nor did the *Policy* of any former ages esteem them ever the less qualified to serve their *Princes*, when they were so well prepared to serve *God* and his *Church*.

This little *Catalogue* that I have subjoyned, will let you see that the *dignities* of the *Church* have been the *Seats* for several of the *greatest families* of this *Nation*; which for the more speed I have set down *promiscuously*, without any orderly marshalling: Thus,

*Agelnothus*

<i>Agelnothus Bishop of Cant.</i>	<i>Son of Earl Agel-mare.</i>
<i>Athelmarus Bishop of Winton</i>	<i>Son to Hugh Earl of March and Queen Isabel.</i>
<i>Henry de Bloys Bishop of Cant.</i>	<i>Brother to King Stephen.</i>
<i>Hugh de Pudsey Bishop of Durr-ham,</i>	<i>Earl of Northum-berland.</i>
<i>Boniface of Savoy Bishop of Cant.</i>	<i>Uncle to Queen Eleanor wife of Hen. 3.</i>
<i>Richard Talbot Bishop of London,</i>	<i>Allyed to the Tal-bots after Earles of Shrewsberry.</i>
<i>Henry Beaufort Bishop of Lincolne</i>	<i>Son of John of Gaunt.</i>
	<i>Will.</i>

Will. Courtney Bi- shop of Cant.	Son of Hugh Court- ney E. of Devon.
Giles de Bruse Bi- shop of Hereford	Son of Will. Lord de Bruse.
George Nevil Bi- shop of Exon	Brother to Richard Nevil Duke of Warwick.
Thomas Peircy Bi- shop of Norwich	Allyed to the Pier- cies E. of Northum.
Lionel Woodvil Bishop of Sarum	Son to Earl Ri- vers of Sarum.
Thomas Vipont Bi- shop of Carlile	Allyed to Viponts then Earls of Westmoreland.
Marmarduke Lum- ley Bishop of Car- lile	Allyed to the house of Lumley's.
Walther Bishop of	Earl of Northum- Durrham

Durrham	berland.
Julius de Medices Bishop of Worcester	Allyed to the house of Medices in I- taly.
Nicholas de Lon- gespee Bishop of Sarum	Son to Will. Earl of Salisbury
Will. Dudley Bishop of Durrham	Son of Jo. Lord Dudley.
Walter de Cantielu- po Bishop of Wor- cester	Of a great house in Normandy.
Lewes Beaumont Bishop of Durr- ham	Of the Bloud Roy- all of France.
Thomas Arundel Bishop of Cant.	Son to Rob. Earl of Arundell and Warren.
	James

James Berkley Bi- shop Exon	Son to the Lord Berkley.
Rich. Scroope Bi- shop Cov. and Litchf.	Brother to Will. Scroope Earl of Wiltshire.
Thomas Bourchier Bishop Cant.	Son to Hen. Bour- chier Earl of Essex.
Roger de Clinton, Bishop Cov. and Lichf.	Of the same family with Geofery de Clinton.
Jo. Stafford Bishop Cant.	Son to the Earl of Stafford.
Will. de Vere Bi- shop Heref.	Brother to the Earl of Oxon.
Richard Beau- champ B. Here- ford	Allyed to Beau- champ then Duke of Warwick.

Jo. Grandison B. Exon	Of the house of Grandisons Dukes of Burgundy.
Edmund Audley B. Heref.	Allyed to Audley E. of Gloucester.
Hen. Burwesh B. Line.	Nephew to the Ba- ron of Leeds
Jo. Zouch B. Llan- daff.	Brother to the Lord Zouch.
Hen. Beaufort B. Linc.	Allyed to the Beau- forts E. of Dorset.
Fulco Basset B. Lond	Lord Basset.
James Stanly B. Ely	Brother to the Earl of Darby.
Simon Montacute B. of Ely	Allyed to the Mon- tacutes then Earls of Salisbury.

I might extreamly enlarge this, if there were either time, room, or need so to do. And as for the *Gentry*, and the *Lawyers*, and *Merchants*, which according to the *constitution* of this *Kingdome* are to be had in no small regard ; very few of all the *Bishops* of this *Kingdome* have been from any *lower families* than such ; or if here and there one have risen from small *beginnings*, it hath been extraordinary *merit*, *parts*, and *industry*, that have been the means of their promotions. And such unthought-off advancement is common to the *Laity*, as well

E as

as the *Clergy*, amongst whom, many of the now *highest rank*, may attribute their *rise* purely to the *grace* and *favour* of *Princes*, who (as one *faith*) have so much of *God in them* (whose *deputies* they are) that they oftentimes raise the poor out of the *dust*, that they may set them with *Princes*, even with the *Princes* of their *people*. And although these *preferments* and *dignities* in the *Church*, have in this latter age, fallen more generally to the hands of such, that have been the *Branches* of *Knightly* and *Gentile Families*, and not to those that are the *Sprouts* of *Peers*, there is no reason that the

the *Peers* should envy this honour and advantage unto those *Worthy Families*, and neither accept of those *imployments* themselves; nor be content that others enjoy them; there is no cause that while they esteem those advantages too small for the *least Peers*, they should conclude them too liberal, or splendid, for the best Commons. Especially when by a *chargeable Education* and a *painful* and *industrious Life* they have acquired *learning* and *parts* to be able to undergo them, to the *glory of God*, and the *honour of their houses*. It were most unreasonable and disingenious, for

the *Nobility* after themselves are entered into the *Court of Honour* to pull up a *Draught-Bridg* and shut to the *Gates* that none else may enter. There are but these *two ways* for the *Commons* by *merit* to aspire unto *honours*; by the *Gown*; and by the *Sword*. And if this way should ever be bayed up, the rest, of the pathes of the *Gown*, would become so wondrous *rough* and *uneven*, that there would hardly any ready way for them to come unto *dignities* remain, but what they could dig out with the *Sword*. For, as for *riches*, It is much more uncertainly attained by all industry

industry, than *Wisdom* and *Learning*; and if the rewards and encouragement of *Learning* and *Piety* should without all sense of *Law*, be ever withdrawn, we were likely to have *States-men* no further *accomplisht*, than the sight of a *Court*, and the instruction of a *Theater* could do it; which at most would be but this; that the first will teach them a *phantastical dress*, and the other as *phantastical a Discourse*; which would much prepare them to treat *Ladies*, but nothing at all enable them to contribute any thing towards the *steering* of a *State*.

As now things stand, *Religion* and the *house of God* have something else besides their native purity and holiness, to invite the *Gentry* to take this *Yoak* on them ; for if there be not a *splendid*, yet there is a *convenient encouragement and maintenance* for them ; and if they are designed for other *employments* ; the *road* by which they are to trace *Learning* (that must fit them for great *undertakings*) is not without *considerable helps*. This (if I mistake not) is well enough understood ; for there are very few families, especially under the *Equestrial degree*, but

but either have now, or have had some branches of them provided for in the Schools, University, or the Church, or in all of them. Who are now for the most part the *Schollers* of the Schools of the most ample foundations of *Winton, Westminster, Eaton*, but *Gentlemens Sons*? who generally in the best endowed *Colledges* of the Universities, but *Gentlemens Sons*? And in the whole *Churches* of *England*, where there is one person dignified that is not, there are three that are *Gentlemen*. Nay, what *Family* under the degree of honour in the whole *Kingdome*,

is there, that hath neither *Son*, nor *Nephew*, nor *Father*, nor *Uncle*, that are not, or have not been *incouraged*, if not maintained, by the *revenue* of the *Church*? I am sure, very few. And what ready way have *Gentlemen* that by *misfortune*, or *illness of times* fall to decay, to provide for their *Children*, but this? when none else will do any thing for them, the solicitation and mediation of their friends will prevail that the most *hopefull* and *promising* of their off-spring will in this *prudent* and *Religious manner* be provided for. Whereas if ever the *revenues*

revenues of the *Church* should be taken away, the consequent will be inevitably this; *Learning shall decay, such Families be helpless, and Religion as a low and contemptible thing come into the hands of none but those, that are, de Fœce plebis, of the Scum and basest of the people.*

And whereas those *Harpies* that gape for the spoyle of the *Church*, to consume it on *Fidlers* and *Whores*, do usually suggest the *Prodigality* of their *Predecessors*, in so liberal indowment of the *Church*: as if all the maintenance of the *Clergie*, and all the endowments of *Schools* and *Colleges*

*ledges* ; and as if all the *publique buildings*, the *monuments of piety and charity* of the former *Ages*, had been *Money* out of their *Purses* , and meerly the *good works* of the *Laity* only ; this is a very gross *errour* and *mistake*. I cannot indeed deny, but God hath in all times raised up some *Pious* and *Munificent persons* amongst them to be *benefactors*, especially by several *Godly Kings* to do *glorious things* to the *encouragement* of *Religious men*, (and truly of whom should good be expected if not of those whose *Office* it is, to be *nursing Fathers to Gods Church*) yet many

ny of the most ample foundations, and the best endowments for Learning, and Piety, have been shafts from the quiver of Clergymen themselves, especially when they lived single, and made Conscience to leave their Inheritances in the Lap and Bosome of her from whence they had received it. This the Law it self confesseth ; and therefore although in the *Statutes of Mortmain* before mentioned, there is so perfect an investiture of the *Lands* given (without leave first obtained) in the *Lords of the Fee*, and in their neglect in the King : yet if *Prelates, Clerks beneficed, or any Religious*

# The Ebil Eye

ligious person have purchased lands and have put the same in Mortmain, although they cannot shew that they have entred by due process, after license obtained, they shall yet be gently received to make convenient Fine, 18 Ed. 3. pro

18 Ed. 3.  
pro Clero.  
cap. 3.

Clero. cap. 3. I might fill a Volume if I should attempt to give instance in all particulars of the pious works and Indowments that the Clergie in former Ages have done. But as a taste of the rest, I shall onely give examples of some of the most conspicuous and visible of them; such as Colledges dedicated to Learning, and Churches, especially of the most stately

stately and magnificent structure, dedicated to the honour and worship of God, and the like publique monuments; which I shal set down promiscuously, as they follow.

*Christ Church in Canterbury (i. e.) the Fabrick now standing*

*Built by Arch Bishop Lanfrank, and continued by William Corboyle, and perfected by their successors.*

*Our Lady Church in Sarum was Founded*

*By Richard Poor Bishop of Sarum, and finished by Bishop Bridport.*

*St. Andrews Church in Wells that now stands was first Founded*

*By Bishop Robert, 18th Bishop of that See; and finished by Bishop Joseline.*

*St. Peters Church in Chichester new built by*

*Radulph 3d Bishop, after that was consumed by fire, was rebuilt by Sisfridus.*

St. Mary's Church in Lichfield which now standeth was built by St. Daniels in Bangor after it was ruined by the Rebel Owen Glendowr, was built by

Trinity Church in Winton now standing begun by

St. Mary's Church in Oxon Founded by

St. Peter's Church in York, which now standeth erected by The Church of Ely that is now standing, built by

The Cathedral Church of St. Davids, built by

St. Peter's in Exeter as now it standeth

Roger de Clinton Bishop of that Diocess.

Henry Deane Bishop of Bangor.

Bishop Walklin continued by his successors, finished by William of Wickham.

Dr. Fitz James afterward Bishop of London.

Tho. the 25th Bishop of that See.

Bishop Norwold, Kidall, and others.

Peter 48th Bishop of that Diocess.

To Warwast Quivil and Grandison three swetb

oweth it self to

three Bishops of the  
same See.

The stately Structure of  
the Cathedral Church  
of Gloucester was first  
Founded by

Aldred Arch-Bishop of  
York.

The now standing Ca-  
thedral Church of  
Hereford was the  
work of

Bishop Reinelme and  
his successors.

The Cathedral of Lin-  
colne was first Foun-  
ded by

Bishop Remigius ex-  
larged by Alexander,  
and perfected as now  
it is by Hugh of Bur-  
gundy his successor.

The Church of Saint  
Paul in London ,  
having once before  
been burnt and con-  
sumed with fire, was  
rebuilt by

Mauritius, Richardus,  
Bishops of London, and  
others their suc-  
cessors.

The Trinity Church in  
Norwich was first  
built by

Herbertus Iosinga Bi-  
shop there, and being  
twice burnt was  
twice after rebuilt,  
the first time by John  
The

*The Church of Peterburgh after it was burnt by the Danes was again built by The Cathedral Church of Worcester was new built, by*

*St. Andrew's Church in Rochester was rebuilt by*

*The Cathedral Church of Durrham was Founded by*

*John of Oxford, the second time by Bishop Middleton.*

*Ethelwoldus Bishop of Winton.*

*Oswald the 18th Bishop, but after it was burnt by the Danes, it was brought to that perfection it now hath, by Wulstan a succeeding Bishop.*

*Gundulphus Bishop of that See.*

*Aldwynus Bishop of the same. That which now standeth was begun by Bishop William de Carilefo, and finished by Ranulphus Flambard his successor.*

*Madalen*

Magdalen Col. in Oxon  
with the Chappel an-  
nexed, was Founded  
by

Trinity Col. Originally  
Founded by Tho. Hat-  
field

All-Souls Col. by

Merton Col. with the  
Chappel and Tower  
annexed, by

Exceter Col. by

Queens Colledg in Ox-  
on, by

New Col. and the Ap-  
pendant Colledg and  
School of Winton, by

Lincoln Colledg was  
Founded by

St. John's Col. in Oxon  
Originally Founded,  
before the dissolution  
by Hen. 8. by

Williams of Wainfleet  
Bishop of Winton.

Bishop of Durrrham.

Hen. Chichely Arch Bi-  
shop of Canterbury.

Walter Merton Bishop  
of Rochester.

Walter Stapleton Bi-  
shop of Exceter.

Robert Egliſhfield Chap-  
lain to Queen Phillip.  
Wife of Ed. 3.

William of Wickham  
Bishop of Winton.

Richard Fleming Bi-  
shop of Lincoln.

Hen. Chichely Arch Bi-  
shop of Canterbury.

St. Crosses Hospital and Church Founded by Catherine Hall in Cambridg Founded by	Henry Beaumont Bishop of Winton Robert Woodlark DD.
Jesus Colledg in Cam- bridg Founded by	Jo. Alcock Bishop of Ely.
St. John's Colledg in Cambridg was first Founded by	Nigellus the second Bishop of Ely, after- wards endowed and enlarged by Hugh Balsam a succeeding Bishop.

So that it appears that many of the best and most ample foundations, of the most noble and admirable Piles and structures, of the most costly publique workes and buildings, that beautifie Cities and Universities, that make this Kingdome famous in forrain parts ; and that

that here serve for the glory of God, and the *publick good*, have been founded and *indow'd* by the *Clergie*. The *builders* of the first *Tower* in the World that we read of, were justly chastised with *confusion* of their *Language*, for their *rebellion* against God, for they sayd, Gen. 11. 4. *Let us build us a Tower whose top may reach to Heaven*; not that they designed that it should indeed touch Heaven, for then the whole *Plain* in the Land of *Shinar* had been too little for the *foundation*, nay, it may be the whole *Earth* it selfe; but the meaning is, *a ver-ry high Tower*, such as might be

a place of *sanctuary* to them, against any future *Deluge*. For whereas they understood that the *Waters* in the *Flood* prevailed on the earth but *fifteen cubits* upwards, as *Cap. 7. 20.* they imagined that this *mole* (so much above the tops of the highest *mountaines*) would secure them in the like case, and being made of *Bricks* too ( which had endured the test of fire ) might protect them from the force of that furious *Element*, which they had *traditionally* received, should be the means of a second *destruction* of the *World*. Thus they thought to elude *Divine vengeance*, and

to

to arme themselves against the force of *Heaven*, which nothing is able to effect but *innocency* and *holiness of Life*. And truly had they not thus erred in the *main*, the other *lower ends* of this work would not have failed them, which they express in the next words ; *Let us make us a Name, least we be scattered abroad upon the face of the earth* : For certainly it was a very likely means to perpetuate their *Name* and *Glory*, and was besides, as a *Standard* to which they might at any time repair in case of *dispersion*. What these designed, though rebelliously against God,

is really performed to us, by those noble and stupend structures devoted to Gods honour; it gets us both a *name*, and is as standards for us to apply to in case of dispersion; as *holy sanctuaries* to fly too to seek the *God of salvation*; and cannot choose but be exceedingly the glory of the Nation, that is so much for the glory of the Lord. And this is a thing so confessed and certain, that *Cromwell* (that great enemy to every thing that was good) merely for the *greatness* of the *Workes*, and because they were such *Ornaments* to the places where they are built, saved them from

from ruine, when nothing *sacred* was spared besides. But to conclude, If it were not for *Cathedral Churches*, and the *Sees* of *Bishops*, our *Nobleſt* and most re-nouned *Cities* in the whole *Kingdome*, would be of no more account then the *pooreſt*, *baſeſt*, and most *pedling Burroughs*. *John*, *Mayor* of *Brackley* would govern as *noble* a *society* of *men*, as the *Lord Mayor* of *London*; and *Wotton-Basset* contend with *Bristol*. For the *Law* defines a *City* thus, *Citie est teil ville corporate que ad un Evesque & un Eglise Cathedral,* *A City is a Town-corporate, which bath a Bishop and a Cathedrall*

## The Evil Eye

Church. And so *Cassaneus* affirming that there are in *France* 104. *Cities*, gives this reason of it, *Pur ceo que la sont plusours Sees de Archieuesques & Euesques*; because there are so many *Sees of Arch Bishops and Bishops*. I know very well that there are too many factious and giddy people, that aim at nothing but *parity* and *levelling* in *Churches, Cities, Clergie, and People*, in all persons and societies; and that *John* may be a *Lord*, would have every *Lord* a *meer John*. They would *debase* and bring down all *dignities* and *honours* to the rate and *sieze* of their own *education* and *merits*.

But

But I suppose that I write to men of *sobriety* and *reason*; to men that have *honours* or *estates* to loose; and such I believe do well understand that the onely way to prevent *ruine* and *confusion* is the *stability* of the *Laws*, and the *stedfastness* and *continuance* of the *constitutions* and *Sanctions* of this *Kingdome*. *Non capitur, qui jus publicum sequitur.* He shall never be *insnared*, that depends on the *known* and *publick Laws*. But if this *dependance* be ever removed out of the hands of that generation of men that have *fitted* themselves for *holy services*, the *Laws* that gave a security of those in-

cou-

couragements, are turned into  
meer *trapps* and *snares* to invite  
them into *Offices*, *Dignities*, and  
*Impliments*, and there leave them  
*exposed*, *naked*, and *derided*.  
Just as some *Factionous persons*  
would have the *Act of Uniformity*  
become to all the *Sober* and obe-  
dient *Clergie* of the *Kingdome*,  
(that when it hath (under the  
severe penalty of *Deprivation*)  
exacted a *Subscription* and an ex-  
act *Conformity* ; and by this  
means, drawn in a vast number  
of men, that were not altoge-  
ther so well satisfied in some  
particulars ; because they would  
not incur the *censure* of *unpeaca-  
ble*

ble men, of Separatists, of being  
stiffe and stubborn against Nation-  
all Laws ; thinking, that for  
peace and order sake , it was  
but reasonable to lay aside some  
contracted prejudices , and sub-  
mit their private sentiments to the  
judgment of a Convocation and  
Parliament, especially for this,  
because they might not other-  
wise exercise their Ministry )  
that now some Law of Tolleration  
should be made, to let in all the  
stubborn and unpeaceable, and con-  
sequently , make the most obe-  
dient and honest hearted Clergie,  
pass under the character of Co-  
wards , Temporizers , Men of a  
large

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large conscience, and the like, to their infinite reproach, and *discouragement*; the consequent of which (if it could be effected) would be inevitably *this*, that all sober and wise men (if in any thing they dissent from the *publique opinions*) shall be for ever discouraged from yielding up their *apprehensions* to the *publique quiet*; least when they have done it, they be exposed to *scorne* and *contempt*, for their *obedience*. There is no prudent Man (I conceive) can have so low and dishonourable esteem of the greatest and gravest *Council* of this Kingdom, the *Parliament*,

plucked out.

ment, to imagine that they should be so unfast to themselves or others, to hearken to such *suggestions*, and so toss the *Interests* of the whole *State* like *Shuttlecocks*; or think so poorly of their *Faith* or *Honour*, that they should by *severe penalties* and *strict Laws*, hunt men into an *intricate* and *troublesome duty* and *condition*, upon hope of *encouragement* and *reward*, and then leave them in the *lurch*; or that *Law-givers* should ever unravel the whole *texture* of the present *constitutions*, to *set up unrighteousness by a Law*.

J

F I N I S.